

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

YAN ZHU,

Plaintiff,

v.

HIGH ALTITUDE LLC, a Nevada
limited liability company, LINGTAO
ZHANG, and JOHN DOES 1-5,

Defendants.

CV 22-27-BU-DLC

ORDER

Before the Court is Plaintiff's Unopposed Motion for Docketing of Judgment. (Doc. 27.) The motion requests that the Court enter a judgment reflecting the amount owed by Defendants, less the proceeds and fees and costs from sale pursuant to Mont. Code Ann. § 71-1-222(2). (*Id.* at 2.)

On August 25, 2023, the Court entered default judgment against Defendants High Altitude LLC and Lingtao Zhang in the amount of \$1,001,756.27 as of April 18, 2023, with a daily interest accrual rate of \$274.45377.¹ (Doc. 19.) On October 30, 2023, the U.S. Marshall Service sold the foreclosed property for \$801,000.

¹ Due to a clerical error, the original Order (Doc. 19) provided for a daily interest accrual rate of \$74.45377. On November 7, 2023, the Court issued an Amended Order with the correct daily interest accrual rate of \$274.45377. (See Doc. 25 at 1-2.)

(Doc. 22.) Pursuant to the Court’s Order Confirming Sale (Doc. 26), the U.S. Marshall’s Office paid \$15,547.35 in delinquent taxes owed on the property and \$16.00 in Clerk and Recorder Fees. (Doc. 27 at 2–3.) In addition, the U.S. Marshall’s Office subtracted \$14,635.78 to cover their own fees and commission. (*Id.*) The remaining proceeds of \$770,800.87 were then dispersed to Plaintiff Yan Zhu.

Montana law provides that “[i]f it appears from the sheriff’s return that the proceeds are insufficient[,] and a balance still remains due, judgment can then be docketed for the balance against the defendant or defendants personally liable for the debt, and it becomes a lien upon the real estate of the judgment debtor, as in other cases on which execution may be issued.” Mont. Code Ann. § 71-1-222(2).

Here, Plaintiff seeks a deficiency judgment of \$227,917.98 reflecting the amount owed by Defendants, less the proceeds and fees and costs from sale. (Doc. 27 at 2.) The funds owed to Plaintiff are calculated as follows:

Judgment (as of November 13, 2023)	\$ 1,059,117.11
Sale Proceeds	\$ (801,000.00)
US Marshall Fees, Costs,	
Commission	\$ (14,635.78)
Delinquent Property Taxes	\$ (15,547.35)
<u>Clerk and Recorder Fee</u>	<u>\$ (16.00)</u>
Deficiency Owed	\$ 227,917.98

ACCORDINGLY, IT IS ORDERED that judgment is entered against Defendants High Altitude LLC and Lingtao Zhang in the amount of \$227,917.98,

with interest at the rate of ten percent (10%) per annum, accruing as of November 14, 2023.

DATED this 2nd day of January, 2024.



Dana L. Christensen
District Judge
United States District Court